

Private Admonition with Probation -- Board Case No. 1, 1993. Date of Sanction: August 15, 1994.

The Board on Professional Responsibility approved the imposition of a private admonition with a two-year probation period upon the Respondent. The disciplinary package was presented to the Board jointly by the Respondent and the Office of Disciplinary Counsel (the "ODC") pursuant to Board Rule 18 at a hearing.

After reviewing the Board's report on the matter, the Delaware Supreme Court approved the proposed sanctions.

In the course of protracted divorce proceedings, and due to claimed financial hardships, the Respondent improperly affixed the signature of the Respondent's spouse to a waiver form relating to the Respondent's profit sharing plan from a former employer. The Respondent also falsely notarized the document by improperly affixing thereto the signature of a non-existent notarial officer.

The Respondent submitted a conditional admission to two counts charging violations of **DLRPC 8.4(c)** (general dishonest conduct) in exchange for the imposition of a comprehensive disciplinary package. Besides the imposition of a private admonition, the disciplinary package called for a two-year probation period with various conditions attached. Among these conditions are: (a) that the Respondent promptly identify a member of the Delaware Bar to act as a supervisory probation officer, who will supervise fully the Respondent's compliance with the terms of the probation, and report same to the ODC on a regular basis, (b) that the Respondent verify to the ODC that no criminal prosecution will result either in Delaware or any other jurisdiction from the misconduct which was the subject of this matter, (c) that the Respondent will undergo psychological counseling, (d) that the Respondent will perform, within the two-year probation period, 200 hours of pro bono legal service in the State of Delaware, (e) that the Respondent will take additional hours of continuing legal education in ethics, (f) that the Respondent agree to serve as a volunteer counselor to the Lawyers' Assistance Committee of the Delaware Bar Association, (g) that the Respondent write an anonymous article for publication in In Re: dealing with the disciplinary issues surrounding this case, (h) that the Respondent cooperate with the ODC during the period of probation in handling any subsequent disciplinary complaints on an expedited basis, and (i) that the Respondent will pay all investigative costs in this case, including any follow-up costs incurred in the implementation of the terms of the probation.

The Respondent had received a previous private sanction, without conditions, which was considered by the Board as an aggravating factor. In mitigation, the Board considered the Respondent's personal and emotional problems, the Respondent's full cooperation with the ODC, the Respondent's remorse about the incident and interim rehabilitative treatment, the Respondent's good character and reputation, and the fact that the Respondent's act was detected early enough so that no financial harm was caused thereby.